IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD
(SPECIAL ORIGINAL JURISDICTION)

MONDAY THE FOURTH DAY OF SEPTEMBER TWO THOUSAND AND SIX
: PRESENT:
THE HON'BLE **SRI G.S.SINGHVI, THE CHIEF JUSTICE**
AND
THE HON'BLE MR.JUSTICE: **G.V.SEETHAPATHY**

W.P. No. 7614 of 2005

Between:
Andhra Pradesh Backward Classes Welfare Association (Regd. No. 2187/92), Having its Office at H.No.43, SRT, Vidyanagar, Hyderabad, rep. by its President R.Krishnaiah, S/o. Adivappa.

Petitioner

AND

1. The Government of Andhra Pradesh, rep. by its Prl. Secretary, BC Welfare Dept., Secretariat, Hyderabad.
2. The Government of Andhra Pradesh, rep. by its Prl. Secretary, Finance & Planning, Secretariat, Hyderabad.
3. The Government of Andhra Pradesh, rep. by its Prl. Secretary, Education Dept., Secretariat, Hyderabad.
4. The Andhra Pradesh State B.C. Commission, Chandra Vihar, Nampally, Hyderabad, rep. by its Chairman.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in not implementing G.O.Ms.No. 402 (Employment & Social Welfare Dept) dt. 12-6-1974 in letter and spirit and G.O.Ms.No. 33, BC Welfare BC-II, dt. 24-9-2003 and the consequential proceedings issued by 4th Respondent dt. 29-1-2001 in connection with reimbursement of tuition fees/special fees of the BC students, those who are studying in various courses and professional courses as illegal, unjust, arbitrary, discriminatory, thereby violative of Articles 14 and 21 of the Constitution of India apart from being in violation of letter and spirit of Articles 15(4), 46 and 340 of the Constitution of India and consequentially direct the Respondents to implement either of the above mentioned G.Os., in its letter and spirit.

The Petition coming on for orders as to admission upon perusing the petition and the affidavit filed herein and the orders of the High Court dated. 24-04-2006 & 26-04-2006 made herein and upon hearing the arguments of Sri S.Ramachander Rao, Senior Advocate assisted by Sri K.R.Prabhakar Rao, for the Petitioner and of Spl. G.P. for Social Welfare on behalf of the Respondents 1 to 3.

The Court made the following **ORDER:**

" Sri S.Ramachandra Rao, Senior Advocate, assisted by Sri K.R.Prabhakar Rao, for the petitioner.

Special Government Pleader for the respondents.

The learned Special Government Pleader pointed out that in compliance of

the direction given by the Court, additional affidavit has been filed on behalf of the State Government.

We have gone through the affidavit dated. 30-08-2006 of Shri G.Yadaiah, Assistant Secretary to Government, Backward Classes Welfare Department, Government of Andhra Pradesh. We have also gone through the annexed documents including the statements allegedly got prepared by the Social Welfare Department.

In our opinion, the affidavit of Shri G. Yadaiah contains evasive averments and the statements annexed with it do not meet the requirement of the Court's order. The officer concerned has either failed to understand the true import of the Court's direction or is thoroughly casual. In the statement, it has not been disclosed as to how many students from among those who had applied for grant of financial benefit in terms of the policy framed by the government were treated eligible, how many were treated ineligible, if so why, and how much amount was actually disbursed.

The manner in which the officers of the State Government are avoiding scrutiny of the case in a proper perspective for last over five months leaves much to be desired.

Let the Secretary, Backward Classes Welfare Department himself file a comprehensive affidavit within a period of two weeks from today failing which, the Court will be constrained to summon the officer concerned in the Court.

Copy of the affidavit to be filed in terms of this order be made available to the counsel for the petitioner on or before 22-09-2006.

The case be listed before the Court on 27-09-2006.

ASSISTANT REGISTRAR

// TRUE COPY //
for ASSISTANT REGISTRAR

To

1. The Prl. Secretary, BC Welfare Dept., Government of Andhra Pradesh, Secretariat, Hyderabad.
2. The Prl. Secretary, Finance & Planning, Government of Andhra Pradesh, Secretariat, Hyderabad.
3. The Prl. Secretary, Education Dept., Government of Andhra Pradesh, Secretariat, Hyderabad.
4. The Chairman, Andhra Pradesh State B.C. Commission, Chandra Vihar, Nampally, Hyderabad.
5. Shri G.Yadaiah, Assistant Secretary to Government, Backward Classes Welfare

Department, Government of Andhra Pradesh, Secretariat, Hyderabad.

6. The Secretary, Backward Classes Welfare Department, Government of Andhra Pradesh, Secretariat, Hyderabad. (**Addressees 1 to 6 by Spl. Messenger**)
7. Two CCs to Spl. G.P. for Social Welfare, High Court of A.P.Hyderabad. (**By Spl. Messenger**)
8. One CC to Sri K.R.Prabhakar, Advocate, High Court of A.P., Hyd(OPUC)
9. Two CCs to the Advocate General, High Court of A.P., Hyderabad. (**By Spl. Messenger**)
10. Two spare copies.

SAH

HIGH COURT

HCJ & GVSJ

DATED: 04-09-2006

NOTE: THE CASE BE LISTED BEFORE THE COURT ON 27-09-2006

ORDER

WP.NO. 7614 OF 2005

DIRECTION

DRAFTED BY: SAH
APPROVED BY:
DRAFTED ON: 08-09-2006

HIGH COURT

HCJ & GVSJ

DATED: 04-09-2006

NOTE: THE CASE BE LISTED BEFORE THE COURT ON 27-09-2006

ORDER

WP.NO. 7614 OF 2005

DIRECTION